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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,152	02/29/2000	Tsutomu Shimomura	50588/349	1836

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/515,152	<b>Applicant(s)</b> SHIMOMURA ET AL.	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/31/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Remarks***

1. Claims 18 and 20-21 have been canceled, and pending claims 1-17 and 19 are for reconsideration.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillion (U.S. Patent 6,351,467 B1) in view of Freeman et al. (US Patent 5,861,881).

Regarding claim 1, Dillion discloses "a multimedia receiver apparatus" (Fig. 2), "said apparatus comprising: a wireless receiver circuit, said wireless receiver demodulating a wireless encoded digital multimedia signal having a plurality of multimedia streams" (Fig. 2 for receiver 26, and receiver 26 can be either a computer or a wireless receiver handles encoded digital streams, col. 16/lines 20-30); "a processor, said processor selecting and extracting a subset of multimedia streams of said plurality of multimedia streams" (col. 16/lines 20-67 for the receiver including components in hardware and software as package receiver 56 for receiving and processing encoded streams from sources); "a long term storage device, said processor caching a

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subset of information from said subset of multimedia streams into said long term storage device” (refer to col. 22/lines 3-61 for the content viewer 58 can cache the information to a proxy server); and “a computer network interface, said computer network interface for selectively outputting information from said subset of multimedia streams” (Fig. 2/item 12 for a browser using TCP/IP protocol as an computer network interface for interfacing and outputting information to other devices or network components (refer to col. 1/lines 18-67 for a brief background on TCP/IP and browser).

Dillon does not clearly show “the processor selecting and extracting a subset of multimedia streams of said plurality of multimedia streams” since all streams are received; however, Freeman teaches the same technique that streams can be selecting and extracted inot a subset of streams (Freeman, Figs. 9, 12, and col. 13/lines 28-45; col. 14/lines 31-51 and col. 17/lines 39-60 for extracted and selected streams of video, audio and graphics). Therefore, it would have been obvious to one of ordinary skill in the art to modify Dillion’s system with Freeman’s teaching technique as indicated in order to selectively process and select which subset of streams within a plurality of multimedia streams as taught by Freeman.

As for claim 2, Dillion discloses “wherein said wireless encoded digital multimedia signal comprises a satellite broadcast signal” (col. 4/lines 9-30 for a satellite link).

As for claim 3, Dillion discloses “wherein said wireless encoded digital multimedia signal comprises a terrestrial digital television broadcast signal” (col. 15/line 63 to col. 16/line 15).

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As for claim 4, Dillion teaches “wherein each multimedia stream comprises Internet Protocol packets” (col. 1/lines 18-67 for a brief background on TCP/IP, and col. 18/lines 15-60 for package reception).

As for claim 5, Dillion teaches “wherein said wireless encoded digital multimedia signal comprises MPEG-2 transport protocol” (col. 16/lines 7-15).

As for claim 6, Dillion teaches “wherein each multimedia stream comprises Internet Protocol packets encapsulated within said MPEG-2 transport protocol” (claims 4 & 5).

As for claim 7, Dillion discloses “wherein said wireless receiver circuit comprises an ATSC digital television receiver circuit” (col. 16/lines 4-15).

As for claims 8-10, Dillion teaches “wherein said wireless receiver circuit comprises an ATSC digital television receiver circuit”; “wherein said wireless receiver circuit comprises a direct video broad satellite receiver circuit”; and “wherein said wireless receiver circuit comprises a digital cable television receiver circuit” (col. 16/lines 4-30).

As for claim 11, Dillion further discloses “wherein said processor outputs information from said subset of multimedia streams in a World Wide Web format” (col. 1/line 18 to col. 2/line 37 as the output information is in www format in HTML, URL, TCP/IP formats).

Regarding claim 12, Dillion teaches “a method of generating revenue, said method comprising: distributing a plurality of data broadcast receiver systems, said data broadcast receiver systems comprising receiver circuitry for demodulating and decoding an encoded digital information signal, cache for storing multimedia information from said encoded digital information signal, and interface circuitry for coupling a receiver system to a client system to output said multimedia information to said client system; receiving a broadcast and retention fee

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from an advertiser desiring to distribute designated digital information; and broadcasting designated digital information to said data broadcast receiver systems; and caching said designated digital information in said data broadcast receiver systems such that client systems coupled to said data broadcast receiver systems may retrieve said designated digital information” (same as claim 1 above, with a method for generating revenue by billing or charging the users, i.e., subscription for a fee, refer to col. 4/lines 43-59). In addition, it is obvious that an advertiser being charged or having a fee retained for their advertisement. The examiner takes an official notice for this matter since this is too well known in the art that the advertiser needs to pay a fee for advertising their product and/or service via a third party, i.e., a broadcaster, for their ads to reach the consumers.

As for claims 13 and 14, Dillion teaches “wherein said entity pays a fee related to an amount of time that said designated digital information will be cached in said broadcast receiver systems” and “wherein said entity pays a fee related to an amount of said designated digital information” (refer to usage reporting, col. 24/line 45 to col. 25/line 12, Fig. 11, and col. 27/line 55 to col. 28/line 35 for billing).

Regarding claim 15, Dillion discloses “a method of distributing data, said method comprising: broadcasting a plurality of popular multimedia streams across a broadcast medium; receiving said plurality of popular multimedia streams in data broadcast receiver system; caching a subset of said popular multimedia streams in a cache in said data broadcast receiver system; coupling said data broadcast receiver system to a wired network; receiving data information from said wired network into said data broadcast receiver system; and presenting a unified data service to a client computer system coupled to said data broadcast receiver system that comprises said

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subset of said popular multimedia streams cached on said receiver system and said data information retrieved from said wired network” (same as claim 1, with a wired network such as the Internet 14 coupled to the data broadcast receiver 26, see Fig. 2, col. 8/lines 10-30).

In addition, Dillion further discloses “comprising: receiving in data broadcast receiver system a query from said client system; searching said cache for matching multimedia streams that match said query; searching a server system coupled to said wired network for matching data information that matches said query; and presenting a query response from said data broadcast receiver system to said client system that comprises said matching multimedia streams and matching data information” (Fig. 8 and col. 22/lines 18-61 for content matching, and col. 23/line 58 to col. 24/line 43 for user query determining whether the user want to connect to the internet for a particular requested content).

As for claim 16, Dillion discloses “wherein said wired network comprises the Internet” (Fig. 2/Internet 14).

As for claim 17, Dillion discloses “wherein said data information from said wired network comprises information from an Internet portal site” (col. 8/lines 31-62 for internet portal site identified by URLs).

(Claim 18 has been canceled).

As for claim 19, Dillion further discloses “comprising: encrypting each digital information stream” (col. 6/lines 43-58).

(Claims 20-21 have been canceled).

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***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB

May 11, 2006